



State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 12.1

Subject: Return to Home Placement: Youth Adjudicated Delinquent

Supersedes: DCS 12.1, 03/01/05

Local Policy: No

Local Procedures: No

Training Required: No

Applicable Practice Model Standard(s): Yes

Approved by:

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Application

To All Department of Children's Services Juvenile Justice Case Managers with Probation, Aftercare Responsibilities and Youth Development Center and DCS Group Home Facility Case Managers

Authority: TCA 37-5-106; 37-5-112; TCA 37-1-137

Policy

Delinquent youth in family foster care, contract agencies and state-operated facilities shall be returned to home placement with approval of the Committing Court and the Commissioner of the Department of Children's Services.

Procedures

A. Prepare for return to home placement

1. Release staffing (Child and Family Team Meetings – CFTM)

When a youth adjudicated delinquent nears completion of his/her IPP objectives/Permanency Plan, the youth's youth development center, DCS group home, or home county case manager must schedule a child and family team meeting to discuss release issues. If it is determined that returning home is appropriate, the appropriate case manager, depending on the youth's placement, must initiate release documents.

2. Release forms and documents

- a) If the youth is in a youth development center or DCS group home, the facility case manager must send form *CS-0130, Release to Home Placement* and the release treatment summary to the youth's Home County Case Manager (HCCM) sixty (60) days prior to the youth's trial home visit date or discharge from DCS supervision date.
- b) If the youth is in a contract agency, the contract agency case manager will submit a release/treatment summary to the HCCM sixty (60) days prior to the youth's trial home visit date or discharge from DCS supervision date. The summary shall be a comprehensive summary of the youth's entire stay in custody. The HCCM will attach form *CS-0130, Release to Home Placement* and form *CS-0041, Notification of Proposed Release*.

3. Aftercare plan

- a) Within ten (10) working days of receiving the home placement documents, the HCCM must prepare an aftercare plan. **The youth and parent/legal guardian must have input in the development of the aftercare plan.** Ideally, this can be done at the release CFTM.
- b) The completed aftercare plan must:
 - ◆ Address on-going issues identified in the treatment summary as well as permanency plan issues that are targeted for aftercare; and
 - ◆ Be reviewed and approved by the HCCM supervisor prior to submission to the Court.
 - ◆ If youth will be discharged, form *CS-0046 Discharge*, will be completed in place of an aftercare plan.

4. Notification to the committing Court

- a) The HCCM must notify the committing Court of the youth's proposed home placement at least fifteen (15) days prior to the trial home pass date.
- b) Forms, *CS-0041, Notification of Proposed Home Placement*, and *CS-0130, Release to Home Placement*, a copy of the treatment summary, and copy of the aftercare plan must be presented to the Court for review.

- c) If the committing Court does not object to the proposed home placement, a signature must be obtained on form *CS-0041, Notification of Proposed Home Placement*. Some Courts may decline to sign form *CS-0041*, if that occurs, note on the form the reason for the Court's action.

5. Packet for the Commissioner's review

- a) The HCCM will mail the completed release packet to the Central Office for the Commissioner's review and approval.
 - b) If it is within ten (10) working days of the youth's release date, the packet may be sent via fax. Central Office must review and return the signed form *CS-0130, Release to Home Placement*, to the HCCM within five (5) business days.
6. The HCCM will notify the program where the youth is placed that the release packet has been approved. A notation will be made in TNKids case recordings within forty-eight (48) hours and forms *CS-0130, Release to Home Placement* and *CS-0041, Notification of Proposed Home Placement*, will be faxed to the program at least 48 hours prior to the release date.

7. Determinate Sentence

- a) If a youth is nineteen years of age (19) or is returning home after serving a determinate sentence and has no additional obligation to the department, no supervision is necessary.
- b) Per statute (*TCA 37-1-137*), DCS is required to provide notice to the Juvenile Court. Approval is not required. Form *CS-0004, Determinate Sentence Release Notification* is used for this release. If the commissioner or designee believes that the youth should be released to home placement prior to the completion of the determinate sentence, a hearing before the Juvenile Court Judge who made the determinate sentence must be requested. The request has to state the reasons for the recommended home placement and must make specific recommendations on where the youth will be placed. The District Attorney must be copied on the request for the hearing. If the court reviews the record and agrees and if the District Attorney does not object, the Court can order the release to home placement without a hearing. Otherwise a hearing has to be scheduled with fifteen (15) days of receipt of the request.

DCS, the child and the District Attorney are all given the opportunity to be heard at the hearing. If the child were released to home placement under this procedure, then he/she would be on aftercare until the original terms of the determinate commitment are met.

- c) If the treatment team recommends an early release to home placement for a determinately sentenced youth prior to the completion of the determinate commitment, the HCCM will contact the local DCS staff attorney to request a hearing. The HCCM will provide the attorney with a release summary that states the reasons for the recommended home placement and details on where the youth will be placed along with an aftercare plan. The attorney must file a request for a hearing copying the District Attorney.

8. Log of release forms and documents

Release forms and documents will be tracked by maintaining logs. The following logs will be maintained as follows:

a) Youth Development Centers/DCS Group Homes

The facility will maintain a log to record the **date(s)**:

- ◆ Of the release staffing,
- ◆ Form *CS-0130, Release to Home Placement*, and the treatment summary are sent to the HCCM,
- ◆ Signed form *CS-0130, Release to Home Placement* is returned to the facility, and
- ◆ Signed form *CS-0041, Notification of Proposed Home Placement*, is returned to the facility.

b) Regional/Field Offices

The regional and field offices will maintain a log to record the **date(s)**:

- ◆ Form *CS-0130, Release to Home Placement*, and the treatment summary are received in the office,
- ◆ The release packet, forms *CS-0041, Notification of Home Placement* and *CS-0130, Release to Home Placement*, treatment summary and aftercare plan is submitted to the Court for the Judge's signature,
- ◆ Signed form *CS-0041, Notification of Home*

Placement, is returned from the Court,

- ◆ Forms *CS-0041, Notification of Home Placement* and *CS-0130, Release to Home Placement*, treatment summary and aftercare plan are submitted to Central Office for the Commissioner's signature,
- ◆ Form *CS-0130, Release to Home Placement*, is received back in the Office from Central Office,
- ◆ Forms *CS-0130, Release to Home Placement* and *CS-0041, Notification of Proposed Home Placement* are returned to the facility.

c) **Central Office**

Central Office staff who are responsible for processing release forms and documents will maintain a log to record the **date(s)**:

- ◆ Forms *CS-0041, Notification of Home Placement* and *CS-0130, Release to Home Placement*; treatment summary, and aftercare plan received in Central Office (by fax or mail), and
- ◆ Signed forms *CS-0041, Notification of Home Placement* and *CS-0130, Release to Home Placement*; returned (by fax or mail) to the HCCM.

**B. Response to
Court's objection**

1. Assent via no objection

Unless the committing Court makes an objection in writing or sets a hearing within fifteen (15) days of the date of the Court's receipt of the notice, with such hearing to be held at the earliest possible date, the HCCM must consider the Court to have assented to the home placement.

2. Objection by the Court

As soon as the HCCM is notified of the Court's objection, or the Court has written a letter to object to the release of a youth, immediate notice will be given to the facility case manager. A notation will be made by the HCCM in TNKIDS case recordings indicating the Court's objection to the release of the youth, including the reasons for the objection and any expectations the court may have stated in order to consider the youth for release. The original release documents will be returned to the sending facility.

3. Information for commissioner's review

If the committing Court objects in writing to a youth's proposed home placement, the commissioner may request from the youth's HCCM any information necessary for a thorough review of the proposed home placement. If the commissioner concludes that the reasons for the objection are unsound, the department may pursue action through the appropriate appeal process.

4. Delay of the return home

In the event of an appeal, no youth shall be returned to home placement until the appeal process has been completed.

C. Supervision of the trial home visit

1. Length of trial home visit

The first thirty (30) days of a youth's home placement constitute a trial home visit, and the youth will remain in the Department's legal custody. Delinquent youth shall not be on trial home visits beyond thirty (30) calendar days.

2. Contact after release from a residential program

- a) The HCCM will contact the youth and his/her parent(s)/guardian in person no later than twenty-four (24) hours (excluding holidays and weekends) after the youth's return home.
- b) The youth and parent/ guardian will be provided with the case manager's business and home telephone numbers in order to provide twenty-four (24) hour service.
- c) The Regional Administrators may develop alternative methods of providing twenty-four (24) hour availability of supervision services in their region other than providing clients with case managers' home phone numbers. Such methods may include the use of telephone paging systems or other methods that would provide availability of supervision services.
- d) The HCCM will discuss with the youth and his/her parent(s)/guardian(s) the *Rules of Aftercare, Notification of Equal Access to Programs and Grievance Procedures* (form CS-0043), *Rules of Probation, Equal Access to Programs and Grievance Procedures* (form CS-0012) and the following:
 - ◆ Aftercare Plan;
 - ◆ Special conditions on the *Rules of Aftercare*;

- ◆ The range of services provided by the department and referrals made to other agencies;
 - ◆ Obtain signatures required on forms *CS-0043, Rules of Probation, Equal Access to Programs and Grievance* and *CS-0012, Rules of Aftercare, Notification of Equal Access to Programs and Grievance Procedures*, and the aftercare plan. A copy of each will be provided to the youth and parent(s)/ guardian(s). The HCCM shall furnish the youth and parents with a business card that contains his/her office address and telephone number
- e) The HCCM will advise the youth of the compulsory school laws to enroll in school on the first school day following their return home.
- f) If the youth is not required to attend school, the HCCM will refer the youth to employment/community agencies for services.

3. Supervision of trial home visit

The HCCM must supervise youth at home on the 30-day trial home visit in accordance with the departmental policies that apply to youth who are on home placement.

4. Aftercare youth will be supervised on aftercare supervision for a period deemed necessary by the family, case manager and the Court. All youth must be discharged from aftercare no later than their nineteenth (19th) birthday.

5. Termination of custody

If the trial home visit is successful, the youth is automatically placed on home placement status, and the Department's legal custody of the youth terminates at the end of thirty (30) days.

6. Return to physical custody

The youth's failure to abide by aftercare rules during the 30-day trial visit may result in the termination of a youth's trial visit and in a return to the department's physical custody.

7. Documentation of violations

- a) In the event new delinquent acts are alleged or other violations occur, the HCCM must document them in

writing on form CS-0156, *Violation Report*. The youth must be afforded all administrative due process rights required by departmental policy prior to a return to custody. Notice to the Court is required and a CFTM held prior to placement.

- b) In lieu of return to custody, the HCCM can consider, investigate and employ treatment interventions for the youth and family in the home and local community.

**D. TNKids
documentation**

All pertinent activities regarding release documents and activities shall be recorded in TNKIDS case recordings.

Forms

CS-0004	Determinate Sentence Release Notification
CS-0012	Rules of Aftercare, Equal Access to Programs and Grievance Procedures
CS-0041	Notification of Proposed Home Placement
CS-0043	Rules of Probation, Equal Access to Programs and Grievance Procedures
CS-0046	Discharge
CS-0130	Release to Home Placement:
CS-0156	Violation Report

Collateral Documents

None

Standards

ACA 3-JTS-51-01
ACA 3-JCRF-5H-04
DCS Practice Model Standard- 5-400
DCS Practice Model Standard- 5-401
DCS Practice Model Standard- 5-402
DCS Practice Model Standard- 5-500
DCS Practice Model Standard- 5-501
DCS Practice Model Standard- 5-502

DCS Practice Model Standard- 8-306

Glossary

<i>Term</i>	<i>Definition</i>
<i>Facility Case Manager:</i>	The case manager at a contract agency or a youth development center (YDC) or DCS Group Home.
<i>Release Packet:</i>	<p><u>For Indeterminate Sentence:</u> Includes DCS forms CS-0130, <i>Release to Home Placement</i> and CS-0041, <i>Notification of Proposed Home Placement</i>, the treatment summary and the aftercare plan.</p> <p><u>For Determinate Sentence:</u> Includes DCS Form CS-0004, <i>Determinate Sentence Release Notification</i>, the release treatment summary and aftercare plan, if applicable.</p>
<i>Release Treatment Summary:</i>	A written narrative that covers the youth's progress during the custody episode. The summary is written by the facility case manager for DCS programs, contract agency treatment staff, or by the HCCM for youth placed in foster homes. The narrative should cover the youth's progress in the treatment areas for his/her entire stay in State custody.